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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,377	03/09/2004	George C. Schedivy	8002A-91	1599

22150 7590 07/09/2010  
F. CHAU & ASSOCIATES, LLC  
130 WOODBURY ROAD  
WOODBURY, NY 11797

EXAMINER
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ANYIKIRE, CHIKAODILI E

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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07/09/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mail@chauiplaw.com  
uspto1@chauiplaw.com  
garramone@chauiplaw.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/796,377	<b>Applicant(s)</b> SCHEDIVY, GEORGE C.	
	<b>Examiner</b> CHIKAODILI E. ANYIKIRE	<b>Art Unit</b> 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1, 4-6, 9-28, 32-41 and 45-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 9-28, 32-41 and 45-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

1. This application is responsive to application number (10796377) filed on March 09, 2004. Claims 1, 4-6, 9-28, 32-41, and 45-57 are pending and have been examined.

### ***Response to Arguments***

2. Applicant's arguments filed April 19, 2010 have been fully considered but they are not persuasive. Claims 1, 4-6, 9-28, 32-41, and 45-57 are currently pending.

3. The applicant argues that the straps running from top and bottom is not merely a design choice (page 14 lines 11 - 13). The examiner respectfully disagrees. The applicant also points to the option of using different configurations regarding the straps in a horizontal, vertical, or diagonal position (Specification, page 9 lines 3 – 18). This indicates at least from the examiner's understanding a design choice that applies to the present application.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-6, and 9-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (US 2002/0003571) in view of Wong (WO 02/073964) in further view of Perkins (US 6,097,448).

As per **claim 1**, Schofield et al disclose a video display device, comprising:

a body portion (Fig 37, 14030; paragraph [0313] Ln 1-5);

a screen (Fig 37, 14032) positioned on the body portion (paragraph [0313] Ln 1-5); and

at least one strap (Fig 12, 1212 or 1212') connected to the body portion for mounting the video display device in a visor of a vehicle (paragraph [0246], [0273] Ln 36-46; Schofield teaches incorporating the visor with the display).

However, Schofield does not explicitly teach wherein the at least one strap passes through a groove positioned between a front wall and a back wall of the video display device.

In the same field of endeavor, Wong teaches wherein the at least one strap passes through a groove positioned between a front wall and a back wall of the video display device (pg 7 Ln 12-15).

However, Schofield or Wong does not teach wherein top and bottom sides of the video display device connect the front and back walls to each other, and the top and bottom sides include respective holes therein for receiving the at least one strap therethrough.

In the same field of endeavor, Perkins teaches wherein top and bottom sides of the video display device connect the front and back walls to each other, and the top and bottom sides include respective holes therein for receiving the at least one strap therethrough (Fig 1 elements 18 and 22; column 3 lines 42-46).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong in further view of Perkins. It is advantageous because the video display can be easily seen by an individual passenger (page 5 Ln 29-31). Further, the examiner acknowledges does not show the straps coming from a top and bottom, but that the strap project from the sides of the harness of Perkins (Fig 1). This is a design choice by the applicant and does not contribute to the functionality of the present invention. This is recognized by the applicant's specification that states the straps can also project from the sides of the body portion of the present invention (page 9 lines 15 - 18).

As per **claim 2**, Schofield et al disclose the video display device as recited in claim 1, wherein the at least one strap (Fig 12, 1212 or 1212') is capable of fitting around a visor in the vehicle for mounting the video display device (Fig 37, 14030) to the visor (paragraph [0246], [0273] Ln 36-46, and [0313] Ln 1-5).

As per **claim 3**, Schofield et al disclose the video display device as recited in claim 1.

However, Schofield et al does not explicitly teach wherein the at least one strap is capable of fitting around a portion of a seat in the vehicle for mounting the video display device to the seat.

In the same field of endeavor, Wong discloses wherein the at least one strap (Fig 2, 60) is capable of fitting around a portion of a seat in the vehicle for mounting the video display device to the seat (Fig 2, 52; Col 6 Ln 18-27).

As per **claim 4**, Schofield et al disclose the video display device as recited in claim 1.

However, Schofield et al does not explicitly teach wherein the at least one strap passes through an interior portion of the video display device.

In the same field of endeavor, Wong discloses wherein the at least one strap (Fig 5, 60) passes through an interior portion of the video display device (Fig 5, 74; Col 6 Ln 18-27).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong. It is advantageous because the video display can be easily seen by an individual passenger (Col 5 Ln 29-31).

As per **claim 5**, Wong discloses the video display device as recited in claim 4, wherein the at least one strap (Fig 5, 60) passes through the interior portion of the video display device via at least one hole (Fig 5, 74) formed in a wall of the video display device (Fig 5, 100; Col 6 Ln 18-27).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong. It is advantageous because the video display can be easily seen by an individual passenger (Col 5 Ln 29-31).

As per **claim 6**, Schofield et al disclose the video display device as recited in claim 1, wherein the at least one strap (Fig 12, 1212 and 1212') is secured to a wall of the video display device (paragraph [0273] Ln 36-46).

As per **claim 9**, Schofield et al disclose the video display device as recited in claim 1.

However, Schofield et al does not explicitly teach wherein the at least one strap is a closed elastic loop.

Wong discloses wherein the at least one strap is a closed elastic loop (Fig 3, 60, 80; Col 6 Ln 18-27).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong. It is advantageous because the video display can be easily seen by an individual passenger (Col 5 Ln 29-31).

As per **claim 10**, Schofield et al disclose the video display device as recited in claim 1.

However, Schofield et al does not explicitly teach wherein the at least one strap includes two free ends capable of being fastened together to form a closed loop (Fig 5, 78; Col 6 Ln 18-27).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong. It is advantageous because the video display can be easily seen by an individual passenger (Col 5 Ln 29-31).

As per **claim 11**, Schofield et al disclose the video display device as recited in claim 1.

However, Schofield et al does not explicitly teach wherein a length of the at least one strap is adjustable.

In the same field of endeavor, Wong discloses wherein a length of the at least one strap is adjustable (Col 6 Ln 18-27).

Therefore, it would have been obvious for one having ordinary skill at the time of the invention to modify Schofield et al with Wong. It is advantageous because the video display can be easily seen by an individual passenger (Col 5 Ln 29-31).

As per **claim 12**, Schofield et al disclose the video display device as recited in claim 1, wherein the video display device (Fig 37, 14032) is one of a liquid crystal display device, an organic electro-luminescent display device, a cathode-ray tube device and a gas plasma device (paragraph [0313] Ln 8-17).

As per **claim 13**, Schofield et al disclose the video display device as recited in claim 1, further comprising a navigation system, wherein the video display device displays navigation information from the navigation system on the screen (paragraph [0304]).



As per **claim 14**, Schofield et al disclose the video display device as recited in claim 1, wherein the video display device is coupled to a navigation system and displays navigation information from the navigation system on the screen (paragraph [0304]).

As per **claim 15**, Schofield et al disclose the video display device as recited in claim 1, wherein the video display device is coupled to a media player for displaying a video program from the media player (paragraph [0402]).

As per **claim 16**, Schofield et al disclose the video display device as recited in claim 15.

However, Schofield et al does not explicitly teach wherein the video display device displays the video program only when the vehicle is stationary.

The examiner takes official notice and acknowledges that controlling the video display to display a video program only when the vehicle is stationary is well-known.

An advantage is to reduce the number of distractions as the driver is driving while in the car, but also adds different types of functionality to the vehicle.

As per **claim 17**, Schofield et al disclose the video display device as recited in claim 15.

However, Schofield et al does not teach wherein the video display device displays the video program only when a parking brake of the vehicle is engaged.

The examiner takes official notice and acknowledges that controlling the video display to display a video program only when a parking brake of the vehicle is engaged is well-known.

An advantage is to reduce the number of distractions as the driver is driving while in the car, but also adds different types of functionality to the vehicle.

As per **claim 18**, Schofield et al disclose the video display device as recited in claim 15, further comprising a device port, wherein the media player is coupled to the video display device through the device port (paragraph [0402]).

As per **claim 19**, Schofield et al disclose the video display device as recited in claim 15, wherein the media player is one of a portable media player or a media player mounted in the vehicle (paragraph [0402]).

As per **claim 20**, Schofield et al disclose the video display device as recited in claim 1, further comprising a device port, wherein a navigation device is coupled to the video display device through the device port (paragraph [0402]).

As per **claim 21**, Schofield et al disclose the video display device as recited in claim 1, further comprising a connector for connecting the video display device to a wiring harness of the vehicle (paragraph [0309]).

As per **claim 22**, Schofield et al disclose the video display device as recited in claim 21, wherein the video display device is coupled to at least one of a vehicle navigation system, a vehicle media player, a vehicle power supply and a parking brake indicator signal via the connector and the wiring harness ([0304] and [0304]).

As per **claim 23**, Schofield et al disclose a video display device, comprising:  
a screen (Fig 37, 14032), wherein:

the video display device is capable displaying vehicle navigation information and a video entertainment program on the screen (paragraph [0304] and [311]); and

the video display device is capable of being mounted to a visor in a vehicle (paragraph [0246], [0273] Ln 36-46, and [0313] Ln 1-5).

Regarding **claim 23**, arguments analogous to those presented for claim 1 are applicable for claim 23.

Regarding **claim 24**, arguments analogous to those presented for claim 2 are applicable for claim 24.

Regarding **claim 25**, arguments analogous to those presented for claim 12 are applicable for claim 25.

Regarding **claim 26**, arguments analogous to those presented for claim 16 are applicable for claim 26.

Regarding **claim 27**, arguments analogous to those presented for claim 17 are applicable for claim 27.

As per **claim 28**, Schofield et disclose the video display device as recited in claim 23, wherein the video display device receives at least one of the vehicle navigation information and the video entertainment program from at least one external device electrically connected to the video display device (paragraph [0304] and [0309]).

7. Claims 32-41, and 45-54 rejected under 35 U.S.C. 103(a) as being unpatentable over Schofield et al (US 2002/0003571) in view of Wong (WO 02/073964) in further view of Klein (US 2004/0094588)

As per **claim 32**, Schofield et al disclose a structure for supporting a video display device, comprising:

a body portion (Fig 67, 6730);

at least one strap (Fig 12, 1212 and 1212') connected to the body portion for mounting the structure in an interior portion of a vehicle (paragraph [0273] Ln 36-46); and

a membrane (Fig 67, 6730 and 6738) connected to the body portion for holding the video display device in the structure (paragraph [0399] Ln 11-31), wherein the membrane includes a flap that is opened to provide an opening through which the video display device is placed in the structure, and wherein the flap wraps around part of the body portion to removably fasten the flap to a back wall of the body portion (paragraph [0397]; this section of the prior art teaches a coupler unit which acts as a flap unit as described in the claim limitation).

However, Schofield does not explicitly teach to close the opening, wherein the flap is removably fastened to a back wall of the body portion to allow a user to open and close the flap.

In the same field of endeavor, Klein teaches to close the opening, wherein the flap is removably fastened to a back wall of the body portion to allow a user to open and close the flap (Figs 3 and 4; paragraph [0021]).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Schofield in view of Klein. A flapping feature is

merely a design choice and is advantageous to holding the body portion of a video display, but it does not address the main feature of the invention.

Regarding **claim 33**, arguments analogous to those presented for claim 2 are applicable for claim 33.

Regarding **claim 34**, arguments analogous to those presented for claim 3 are applicable for claim 34.

Regarding **claim 35**, arguments analogous to those presented for claim 4 are applicable for claim 35.

Regarding **claim 36**, arguments analogous to those presented for claim 5 are applicable for claim 36.

Regarding **claim 37**, arguments analogous to those presented for claim 6 are applicable for claim 37.

Regarding **claim 38**, arguments analogous to those presented for claim 9 are applicable for claim 38.

Regarding **claim 39**, arguments analogous to those presented for claim 10 are applicable for claim 39.

Regarding **claim 40**, arguments analogous to those presented for claim 11 are applicable for claim 40.

As per **claim 41**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane (Fig 67, 6730) surrounds a substantial portion of the display device (Fig 67, 6731; paragraph [0399] Ln 11-31).

As per **claim 45**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane includes at least one hole through which a control button (Fig 67, 6744) of the display device is accessed (paragraph [0399] Ln 23-28).

As per **claim 46**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane includes at least one hole through which a port of the display device is accessed (paragraph [0402] Ln 39-44).

As per **claim 47**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane (Fig 67, 6730) includes a hole through which a screen (Fig 67, 6731) of the video display device is viewed (paragraph [0399] Ln 1-11).

As per **claim 48**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane includes a hole for exposing a speaker (Fig 67; 6752) of the video display device (paragraph [0400] Ln 11-31).

As per **claim 49**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane includes a hole for exposing at least one of an infrared transmitter and an infrared receiver of the video display device (paragraph [0309] Ln 1-9).

As per **claim 50**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane (Fig 46, 4514 and 4538) is bendable (paragraph [0338] Ln 21-25).

As per **claim 51**, Schofield et al disclose the structure as recited in claim 32, wherein the membrane (Fig 46, 4514 and 4538) is transparent (paragraph [0338] Ln 31-43).

Regarding **claim 52**, arguments analogous to those presented for claim 12 are applicable for claim 52.

Regarding **claim 53**, arguments analogous to those presented for claim 13 are applicable for claim 53.

Regarding **claim 54**, arguments analogous to those presented for claim 15 are applicable for claim 54.

Regarding **claim 55**, arguments analogous to those presented for claim 17 are applicable for claim 55.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/  
Supervisory Patent Examiner, Art Unit 2621  
/Chikaodili Edward Anyikire/  
Patent Examiner AU 2621